

Minutes of the January 19, 2001, meeting  
City Council Chambers  
25541 Barton Road  
Loma Linda

1. Chair Withers called the meeting to order at 9:07 a.m.

Board Members Present

Board Members Absent

John Withers, Chair  
Carole Beswick, Vice-Chair  
Jose Solorio  
Irv Pickler  
Seymour Van Gundy  
Frank Williams  
Fred Ameri

Staff Members Present

Gerard Thibeault, Executive Officer  
Kurt Berchtold, Assistant Executive Officer  
Michael Adackapara, Supervising Water Resource Control Engineer  
Joanne Schneider, Environmental Program Manager  
Barbara Laffoon, Secretary  
Gary Stewart, Chief, Regulations  
Dixie Lass, Chief, Land Disposal  
Reza Akhtarshad, Associate Water Resources Control Engineer  
Ken Williams, Chief, Underground Storage Tanks  
Ken Theisen, Sanitary Engineering Associate  
Wanda Smith, Chief, Basin Planning (Coastal Waters)

State Board Representative

Mary Jane Forster

Legal Counsel

Phil Wyels

Public Attendance

Tim Piasky, Building Industry Association of So. Calif.  
Rod Cruze, City of Riverside  
Ken Dills, City of Huntington Beach  
John Claus, City of Riverside  
Susie Claus, UCR Student  
Emily Jackson, County of Orange/WMD  
Kent Wegelin, City of Moreno Valley  
Larry Brookins, UCR  
Anne Thomas, Best, Best & Krieger  
Vic Leipzig, Orange Coast Watch  
George Muse, Metropolitan Water District of So. Calif.  
D. Burnell Cavender, San Bernardino Valley Water Conservation District  
Mark Norton, SAWPA  
Greg Woodside, Orange County Water District  
Andy Bauman, D.E.C.  
Rick Gersberg, San Diego State University

David Beckman, Natural Resources Defense Council (NRDC)  
Heather Hoecherl, NRDC  
Paul Mobley, United Strategies, Inc.  
Rick Hoffman, Riverside County  
Richard Or, Kleinfelder, Inc.  
Ricardo Halde, Kleinfelder, Inc.  
Jim Welsh, Ramsgate Specific Plan, City of Lake Elsinore  
Todd Snyder, County of Orange PFRD  
Laura Long, SECOR International, Inc.  
Phuong Martel, City of Fontana  
Michelle Woods, Student  
Brian Cahill, CDFA

2. Public Forum

There were no public comments.

Items 4, 5a and 5b were taken out of order)

4. Resolution of Appreciation

The Board presented Resolution of Appreciation 01-31 to State Water Resources Control Board Member Mary Jane Forster for her service as liaison to the Regional Board.

5. Resolution of Appreciation

The Board presented Resolution of Appreciation 01-33 to former Regional Board Member Rodger Siems for his service.

3. Approval of Minutes of November 16, 2000 special meeting and November 17, 2000 regular meeting

There being no additions or corrections, the minutes of the November 16, 2000 special meeting and regular meeting held on November 17, 2000, were approved as presented.

6. Approval of Consent Calendar Items

8. Renewal of Waste Discharge Requirements for the Inland Empire Utilities Agency, 01-1
9. Renewal of Waste Discharge Requirements for the Inland Empire Utilities Agency, 01-2
10. Renewal of Waste Discharge Requirements for City of Riverside, 01-3
11. Amendment of Waste Discharge Requirements for Metropolitan Water District, 01-14
12. New Waste Discharge Requirements for Elizabeth and Brian Partida, 01-21
13. Cease and Desist Order (CDO), Inland Empire Utilities Agency Regional Plant 2, 01-5
14. New Waste Discharge Requirements, General Permit for Storm Water Runoff Associated with New Developments in the San Jacinto Watershed, 01-34

Executive Officer Thibeault requested that Item 14 be removed from the consent calendar to accommodate public requests to address the item. He noted that Items No. 8, 9, 10, (all with errata), Items 11 and 12, and Item 13 with errata remained on the consent calendar.

Action: It was moved by Board Member Van Gundy, seconded by Board Member Beswick and, by show of hands, unanimously carried to adopt Order Numbers 01-1, 01-2, 01-3 with errata, Items 11 and 12, and Cease and Desist Order 01-5 with errata, as presented.

7. Nitrogen/TDS Task Force Presentation

Mark Norton, Santa Ana Watershed Project Authority, (SAWPA) presented a brief update for the new Board members and discussed the advisory roles of Tim Moore, Risk Sciences, and Mark Wildermuth, Wildermuth Environmental, to the Task Force.

Tim Moore addressed the history and objectives of the Total Dissolved Solids (TDS)/Total inorganic Nitrogen (TIN) Study Project for the benefit of new Board Members, staff, and members of the public. He outlined the anticipated phases of the study and the desired outcomes of the Task Force. Upon completion of the study, the Task Force will likely recommend new water quality objectives for TDS and TIN, comprehensive monitoring programs for surface and groundwater quality throughout the watershed and alternative compliance strategies.

5. Resolution of Appreciation

The Board presented Resolution of Appreciation 01-32 to former Regional Board Member Melody Henriques for her service.

14. New Waste Discharge Requirements, General Permit for Storm Water Runoff Associated with New Developments in the San Jacinto Watershed, Order No. 01-34

Information pertaining to this item is contained in a verbatim transcript.

Executive Officer Thibeault explained that this item was being presented to the Board after three public hearings and reflected changes resulting from the comments and inputs. The comparison between the Statewide General permit and the proposed permit was discussed.

Tim Piasky, Director of Environmental Affairs, Building Industry Association of So. California (BIASC), complimented Board staff on their excellent performance in addressing the comments from earlier drafts, but questioned why the permit was being proposed when there are no other storm water permits in the state being developed as an interim approach to TMDLs. Mr. Piasky felt that the State General Construction Permit is considered a waste discharge requirement and covers all construction projects in the State consisting of five or more acres. He also indicated concern for the impact on new construction as well as existing construction.

Member Williams inquired about some of the monitoring requirements of the order.

David Beckman, Natural Resources Defense Council (NRDC), felt that Member Williams possibly had a conflict of interest in participating in the discussion because of his position as Executive Direction of a chapter of the BIA.

Anne Thomas, Best, Best & Krieger, voiced a concern regarding the review time for submittals required by the order, but felt that overall the proposed order was well planned and in the best interests of all concerned.

Action: It was moved by Board Member Solorio, seconded by Board Member Pickler, and carried to adopt Order 01-34 with errata as presented. The vote was six "ayes" and one "no," Member Williams dissenting.

Following adoption of Item 14, Member Williams addressed the remarks of Mr. Beckman.

The Board recessed at 11:05 and reconvened at 11:17 am.

15. Cease and Desist Order for San Timoteo Landfill, San Bernardino County Waste System Division, San Bernardino County - Cease and Desist Order (CDO) No. 01-22  
and  
16. Water Code Section 13308 Order for San Timoteo Landfill, San Bernardino County Waste System Division, San Bernardino County - Order No. 01-24

Items 15 and 16 were presented together by Assistant Executive Officer Kurt Berchtold, who explained the circumstances and rationale for the Cease and Desist Order and the Water Code Section 13308 Order for threatened violations of CDO No. 01-22.

Board staff determined that certain operations at San Timoteo Sanitary Landfill were not in compliance with the approved design report and construction quality assurance (CQA) plan. CDO No. 01-22 would require the County to perform all necessary corrective actions to comply with the approved design report and CQA plan by February 20, 2001.

The County of San Bernardino indicated that it might not be able to comply with CDO No. 01-22 because of the high costs of the required corrective action. Order No. 01-24 was proposed under Section 13308 of the California Water Code to establish a time schedule and to prescribe a civil penalty which becomes due if compliance is not achieved within the time schedule.

Order No. 01-24 directs the Executive Officer to issue a complaint assessing administrative civil liability in the amount of \$200,000 if the County fails to comply with CDO No. 01-22.

Gerry Newcombe, Contract Administrator for the San Bernardino County Department of Public Works, stated that the County agreed with the action and was prepared to pay the assessment of \$200,000.

Action: It was moved by Board Member Pickler, seconded by Board Member Beswick, and carried to adopt Cease and Desist Order No. 01-22 and Order No. 01-24 as presented. The vote was six "ayes" and one "no," Member Williams dissenting.

- 17. Administrative Civil Liability Complaint, Neutron Plating, Inc.
- 18. Administrative Civil Liability Complaint, Catellus Development Corporation
- 19. Administrative Civil Liability Complaint, Buie Communities and Mountain Gate Development
- 20. Administrative Civil Liability Complaint, Sierra Aluminum Company

Executive Officer Thibeault advised that Item numbers 17 and 20, Neutron Plating, Inc., and Sierra Aluminum, had been settled. Item numbers 18, Catellus Development Corporation, and 19, Buie Communities/Mountain Gate Development, had been postponed.

- 21. Public Workshop - Newport Bay/San Diego Creek Toxics Total Maximum Daily Load (TMDL) Final Problem Statement

Information pertaining to this item is contained in a verbatim transcript.

Ken Theisen, Sanitary Engineering Associate, presented the background and current status of the item and noted that the purpose of the workshop was to review and solicit comments on the Final Problem Statement. Drafts of the problem statement had been presented to the Board at the October and November 2000 meetings. Mr. Theisen discussed changes and additions that had taken place.

Environmental Program Manager Joanne Schneider addressed some statements in a comment letter submitted by the Natural Resources Defense Council. She noted that Environmental Protection Agency (EPA) staff had indicated their support of the conclusions in the Problem Statement and that EPA would be conducting an independent review of the data. This might lead EPA to commit to additional TMDLs. Ms. Schneider indicated that Board staff had informally agreed with EPA that Board staff would work on the selenium, diazinon, and chlorpyrifos TMDLs, and that EPA would work on the rest. She indicated that Board staff would like to have the Board's concurrence with that approach.

David Beckman and Heather Hoecherl, NRDC, felt that the Regional Board staff was overworked and under-resourced and hoped to see funds available so that more people could work on this issue.

22. Guidance Document for Oversight and Prioritization of Underground Storage Tank Cases

Ken Williams, Chief, Underground Storage Tanks, discussed a draft guidance document for the oversight and response to gasoline releases containing MtBE within the Santa Ana Region. Board staff will distribute this draft for review and comment. A second draft, incorporating comments received, will be presented at the April 19 Board meeting. An e-mail address has been established for comments at [ustguidance@rb8.swrcb.ca.gov](mailto:ustguidance@rb8.swrcb.ca.gov).

23. General Permits

Staff provided a list of all new permittees recently enrolled under the Region's general permits.

24. Quarterly Violations Report

A list of violations was provided to the Board, as required by the State Water Resources Control Board's Water Quality Enforcement Policy.

25. Hazardous Waste and Sewage Spill Incident Report

Staff provided the Board with a list of incidents occurring since those reported at the November 2000 Board meeting.

27. Board Member Communication

Executive Officer Thibeault discussed the receipt of a trust fund endowment check for \$3,854,507 from American Trader for Water Code violations. The money will be used to support dredging in Upper Newport Bay. A copy of the check was included in the Board member packet.

Member Pickler and Executive Officer Thibeault attended a Coastal Crisis meeting at Cal State University in Fullerton the previous Tuesday.

28. Closed Session

There was none.

29. Adjournment

Chair Withers adjourned the Board at 1:18 p.m. to the March 2 meeting at the City Council Chambers, Corona, at 9:00 a.m.

Respectfully submitted:

GERARD J. THIBEAULT  
Executive Officer

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